

AMENDED IN ASSEMBLY APRIL 18, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2632

**Introduced by Assembly Member Olsen
(Coauthor: Assembly Member Jones)**

February 19, 2016

An act to amend Section 7541.1 of the Business and Professions Code, relating to private investigators.

LEGISLATIVE COUNSEL'S DIGEST

AB 2632, as amended, Olsen. ~~Private Investigators:~~ *investigators:* experience for licensure.

Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators by the Bureau of Security and Investigative Services within the Department of Consumer Affairs and requires the Director of Consumer Affairs to administer and enforce the act. Existing law requires an applicant for licensure under that act to take an examination. Existing law requires an applicant for examination to have experience in certain activities performed in connection with investigations, as specified, and only if the activities are performed by persons who are employed or managed in certain capacities, including, among others, persons trained as investigators and employed by a public defender to conduct investigations.

This bill would include, under the above-mentioned experience required to take the licensure examination, persons *employed by a media source who are* trained as investigative reporters *and* whose experience is comprised of primary investigations, ~~as defined, and who meet an~~

additional specified requirement. The bill would also define terms for these purposes: *defined*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7541.1 of the Business and Professions
- 2 Code is amended to read:
- 3 7541.1. (a) Notwithstanding any other law, experience for
- 4 purposes of taking the examination for licensure as a private
- 5 investigator shall be limited to those activities actually performed
- 6 in connection with investigations, as defined in Section 7521, and
- 7 only if those activities are performed by persons who are employed
- 8 or managed in the following capacities:
- 9 (1) Sworn law enforcement officers possessing powers of arrest
- 10 and employed by agencies in the federal, state, or local government.
- 11 (2) Military police of the armed forces of the United States or
- 12 the National Guard.
- 13 (3) An insurance adjuster or their employees subject to Chapter
- 14 1 (commencing with Section 14000) of Division 5 of the Insurance
- 15 Code.
- 16 (4) Persons employed by a private investigator who are duly
- 17 licensed in accordance with this chapter, or managed by a qualified
- 18 manager in accordance with Section 7536.
- 19 (5) Persons employed by reposseors duly licensed in
- 20 accordance with Chapter 11 (commencing with Section 7500),
- 21 only to the extent that those persons are routinely and regularly
- 22 engaged in the location of debtors or the location of personal
- 23 property utilizing methods commonly known as “skip tracing.”
- 24 For purposes of this section, only that experience acquired in that
- 25 skip tracing shall be credited toward qualification to take the
- 26 examination.
- 27 (6) Persons duly trained and certified as an arson investigator
- 28 and employed by a public agency engaged in fire suppression.
- 29 (7) Persons trained as investigators and employed by a public
- 30 defender to conduct investigations.
- 31 (8) (A) Persons trained as investigative reporters—whose
- 32 experience is comprised of primary investigations and who meet
- 33 any of the following: *and employed by a media source, as defined*

1 *in Section 1070 of the Evidence Code, whose investigative*
2 *journalism experience is comprised of conducting primary*
3 *investigations and producing investigative projects.*

4 (i) ~~The person was as an employee in a distinct investigative~~
5 ~~unit.~~

6 (ii) ~~The person's primary role was in a news organization~~
7 ~~producing investigative projects.~~

8 (iii) ~~The person conducted primary investigations for a media~~
9 ~~source as defined in Section 1070 of the Evidence Code.~~

10 (B) For purposes of this paragraph, the following terms shall
11 have the following meanings:

12 (i) ~~“Distinct investigative unit” means an investigative team of~~
13 ~~any size reporting to an editor or supervisor responsible for~~
14 ~~managing the projects. An individual reporter may constitute a~~
15 ~~distinct investigative unit.~~

16 (ii) ~~“Investigative projects” mean the work of investigative~~
17 ~~teams or individuals engaged in original reporting.~~

18 (iii) ~~“Primary paragraph “primary investigation” means original~~
19 ~~and in-depth research and reporting analysis involving a number~~
20 ~~of multiple sources, including, but not limited to, public records,~~
21 ~~databases, archives, published and unpublished documents,~~
22 ~~witnesses, informers, whistleblowers, public officials, and experts,~~
23 ~~to produce stories or reports with new information of interest or~~
24 ~~importance to the public. investigative projects.~~

25 (b) For purposes of Section 7541, persons possessing an
26 associate of arts degree in police science, criminal law, or criminal
27 justice from an accredited college shall be credited with 1,000
28 hours of experience in investigative activities.

29 (c) The following activities shall not be deemed to constitute
30 acts of investigation for purposes of experience toward licensure:

31 (1) The serving of legal process or other documents.

32 (2) Activities relating to the search for heirs or similar searches
33 which involve only a search of public records or other reference
34 sources in the public domain.

35 (3) The transportation or custodial attendance of persons in the
36 physical custody of a law enforcement agency.

37 (4) The provision of bailiff or other security services to a court
38 of law.

39 (5) The collection or attempted collection of debts by telephone
40 or written solicitation after the debtor has been located.

- 1 (6) The repossession or attempted repossession of personal
- 2 property after that property has been located and identified.
- 3 (d) Where the activities of employment of an applicant include
- 4 those which qualify as bona fide experience as stated in this section
- 5 as well as those which do not qualify, the director may, by
- 6 delegation to the bureau, determine and apportion that percentage
- 7 of experience for which any applicant is entitled to credit.